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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,802	04/13/2004	Junichi Iijima	1081.1199	3060
21171	7590	07/28/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,802

Applicant(s)

IIJIMA, JUNICHI

Examiner

Daniel A. Hess

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16, 21-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 14-16 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This action is in response to 16/1/2005 after-final amendment by applicant.

Remarks

The examiner had previously indicated claims 14 and 21 and were allowable. The examiner, on further review, has found art which fairly closely teaches these two claims. The examiner must therefore withdraw indication of allowable subject matter.

The claim amendment will be entered. Prosecution is hereby reopened and the present action is a non-final rejection.

There exists a considerable body of art wherein a user herself can make selections of garments and see them on a screen in a coordination image. Kagami et al. (US 5,724,484), Lee (US 6,661,433), Lam (US 6,629,014) and Lam (US 6,182,871) are all exemplary.

Claims 14 and 21 teach little more than this.

The examiner regrets any inconvenience this may have caused for the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 14-15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,661,433).

Lee teaches (column 1, lines 50-65):

“At the store, the person scans the clothing tag of a potential clothing item with the scanner. The **PDA** application software then transmits the identification of the scanned clothing item from the PDA to the **database** via a wireless **Internet link**. The database retrieves a **clothing item image** corresponding to the scanned clothing item, **and transmits the retrieved clothing item image to the PDA**. The PDA application software **overlays the retrieved clothing item image onto the image of the person** stored in its memory to produce a composite image. The PDA application software then displays the **composite image on the display to give the person a preview of how the clothing item will look on her.**”

As Lee further discusses, images of combined outfits can be made.

The PDA is portable and can clearly be in one store or carried from store to store. Thus a user could see how two different outfits go together from two different stores.

In this case, the acquiring section is the user interface and coordination information comes from the user.

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Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,661,433) in view of Su (US PG Pub No. 2002/0026380).

Lee et al.

Lee et al. fails to teach 'a recording section which records coupon information available when the customer purchases, in second store, second commodity introduced in first store.

Su teaches: See figure 6, ref. 465: Coupons are available generally, applicable to both a first store and a second store, depending on whether the product is associated with the first store or the second store.

In view of Su's teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known coupons for all many of products purchased in all manner of stores because coupons may help boost sales.

Allowable Subject Matter

Claims 2-13 and 25-27 are allowed.

The teachings of Su are of record. Su fails to teach or suggest the following limitations in each of the non-rejected independent claims:

- There is no suggestion based on prestored coordination data of products which might go together.

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- There is no display of a 'coordination image' consisting of two or more garments together.

The teachings of Lee (US 6,661,433) are of record; Lam (US 6,629,014), Lam (US 6,629,014), and Kagami et al. (US 5,724,484) are similar; all fail to teach:

- Coordination data linking two garments (the user combines the garments herself)
- Introducing to the user of a second garment (the user selects garments herself)
- The concept of multiple stores does not come into play.

Even a combination of several of the above does not teach all of the limitations of the non-rejected independent claims.

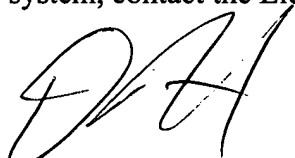
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH
7/20/05

DANIEL STCYR
PRIMARY EXAMINER

